

### ***Remarks***

Examiner Emmanuel Bayard confirmed in a telephone interview of May 25, 2007 that he has been assigned to this case, subsequent to the office action letter of March 23, 2007, issued by Jia Lu of the same art unit 2611. As discussed with examiner Bayard in said telephone interview, commensurate with the examiner's remarks in the office action letter of March 23, 2007, applicants have cancelled all rejected claims (claims 1, 2, 4, 5, 8, 9, 15-18 and 21-23) from further consideration in this application, wherein the remaining claims 3, 6, 7 and 10-14, indicated as "objected to", have been amended to place them into condition for allowance. New claims 24-31 are entered to claim allowable subject matter present in intervening claim 2, now cancelled, upon which each of the "objected to" claims 3, 6, 7 and 10-14 are directly or indirectly dependent upon in an alternative fashion ("the method of claims 1 or 2").

Each of the claims now before the examiner thus comprises *only* subject matter upon which the prior art was fully searched, the claims examined in view of said prior art, and wherein the subject matter has been objected to but deemed allowable after appropriate amendment in the office action letter of March 23, 2007. Thus, the present claims do not introduce new issues or new matter, comprise only allowable subject matter, and are believed in condition for allowance pursuant to the office action letter of March 23, 2007.

### ***Election/Restriction***

Applicants hereby expressly elect to prosecute group 1 claims 1-18 and 21-23, and withdraw claims 19 and 20 from consideration, without traverse, in response to the examiner's restriction requirement.

### ***Claim Rejections 35 USC § 103***

Claims 1, 4, 8, 9, 15, 16 and 21 stand rejected under 35 USC § 103(a) as being unpatentable over Guo (U.S. Pat. No. 5452333). Claims 1, 4, 8, 9, 15, 16 and 21 have been cancelled, and the issues raised by the examiner are now moot. No further response or action by applicants is believed required to this rejection.

Claim 2 stands rejected under 35 USC § 103(a) as being unpatentable over Guo in view of Okuda (U.S. Pat. Publication No. 2003/0189985A1). Claim 2 has been cancelled, and the issues raised by the examiner are now moot. No further response or action by applicants is believed required to this rejection.

Claim 5 stands rejected under 35 USC § 103(a) as being unpatentable over Guo in view of Casper (U.S. Pat. No. 7120838). Claim 5 has been cancelled, and the issues raised by the examiner are now moot. No further response or action by applicants is believed required to this rejection.

Claims 17 and 22 stand rejected under 35 USC § 103(a) as being unpatentable over Guo in view of Livolsi (U.S. Pat. No. 6404257). Claims 17 and 22 have been cancelled, and the issues raised by the examiner are now moot. No further response or action by applicants is believed required to this rejection.

Claim 18 stands rejected under 35 USC § 103(a) as being unpatentable over Guo in view of Gfeller (U.S. Pat. Publication No. 2002/0031093). Claim 18 has been cancelled, and the issues raised by the examiner are now moot. No further response or action by applicants is believed required to this rejection.

Claim 23 stands rejected under 35 USC § 103(a) as being unpatentable over Guo in view of Carballo (U.S. Pat. Publication No. 2005/0032491A1). Claim 23 has been cancelled, and the issues raised by the examiner are now moot. No further response or action by applicants is believed required to this rejection.

However, by said claim cancellations applicants are not conceding in this application that claims 1, 2, 4, 5, 8, 9, 15-18 and 21-23 are not patentable over the prior art of record. Their cancellations are made only for facilitating expeditious prosecution of other subject matter expressly indicated by the examiner to be allowable, and applicants respectfully reserve the right to pursue the originally submitted claims 1, 2, 4, 5, 8, 9, 15-18 and 21-23 in one or more continuations and/or divisional patent applications.

#### *Allowable Subject Matter*

Claims 3, 6, 7 and 10-14 stand objected to as being dependent upon rejected base claims, but allowable if rewritten in independent form to include all of the limitations of

their respective base and any intervening claims. These claims have each been amended where appropriate pursuant to the examiner's comments and requirements. More specifically, dependent claims 3, 6, 10, and 11 have each been rewritten into independent form to include all of the limitations of base claim 1, and claim 10 further incorporates the limitations of intervening claim 9. The claims have also been amended where appropriate to correct informalities, for example with regard to correct antecedent basis in the use of articles "a" and "the", and these amendments are not believed to introduce new matter or broaden the scope of the claims.

Claim 7 depends upon claim 6, and claims 12-14 depend directly or indirectly upon claim 11; as they thus incorporate the subject matter deemed allowable by the examiner in amended claims 6 and 11, respectively, they are all believed allowable as originally submitted.

And, as discussed with the examiner in a telephone interview of May 25, 2007, each of the "objected to" claims 3, 6, 7 and 10-14 originally before the examiner were directly or indirectly dependent upon "*one of* claims 1 *or* 2", wherein claim 1 comprised specifically claimed and novel sampling, determining, and analyzing method steps, and wherein claim 2 was dependent upon claim 1 and further modified the sampling step of claim 1 "wherein the sampling of the signal is an at least twofold oversampling." Thus, each of claims 3, 6, 7 and 10-14 may incorporate the limitations of *either* claim 1 *or* claim 2 in order to incorporate subject matter deemed allowable by the examiner in the letter of March 23, 2007.

Accordingly, pursuant to the amendments herein, claims 3, 6, 7 and 10-14 now each incorporate directly or indirectly the limitations of claim 1 in an appropriate form commensurate with the examiner's remarks, and are thus all believed allowable. The further narrowing limitations of claim 2 are now presented by new claims 24-31, which are each dependent upon and thus further limit the sampling steps claimed by claims 3, 6, 7 and 10-14, respectively. Thus, new claims 24-31 are all also believed to be in condition for allowance.

*Conclusion*

Claims 3, 6, 7, 10-14 and 24-31 are now believed in condition for allowance, and early issuance of the appropriate notification of allowance is respectfully requested. If, however, the examiner does not determine that the claims are allowable for any reason, any subsequent office action rejecting the claims shall not be a final office action. More specifically, as discussed in the telephone interview with examiner Bayard on May 25, 2007, the present amendments do not raise any new issues or introduce new matter not already before the examiner. Each of the claims now before the examiner thus comprises only subject matter upon which the prior art was fully searched, the claims examined in view of said prior art, and wherein the subject matter has been objected to but deemed allowable after appropriate amendment in the office action letter of March 23, 2007.

Respectfully submitted,

Date:

*May 29, 2007*

  
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**CUSTOMER NO. 26675**

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